

# Fountain Hills Community Association

## Board of Directors Meeting

### September 2, 2021

The Board of Directors of Fountain Hills Community Association held a Virtual Board of Directors Meeting on Thursday, September 2, 2021 at 7:30 p.m.

#### **Board Members Present:**

Jeff Chai, President  
Nancy Dofflemyer, Vice President  
Jeff Green, Treasurer  
Grant Izmirlian, Secretary  
David Holtzman, Member at Large  
Nicolm Mahabir, Member at Large  
Frank Walsh, Member at Large

#### **Management Present:**

Delphine Matthews, Portfolio Manager  
Marcy Grove, Recording Secretary

#### **I. CALL TO ORDER**

The Board of Directors Meeting was called to order by Jeff Chai at 7:30 p.m. with a quorum of seven members present.

#### **II. PREVIOUS MEETING MINUTES**

The Board of Directors received draft minutes for the August 5, 2021 meeting. Frank Walsh identified a date error regarding the pool rules and this was corrected. **Jeff Chai made a motion seconded by Nancy Dofflemyer to approve the draft minutes with this amendment. The motion carried six to zero to one abstention (Nicolm Mahabir).**

#### **III. OFFICER REPORTS**

David Holtzman thanked Delphine Matthews for having the discarded rebar removed from the pool border. Piles of dead brush have now accumulated from unknown source on several spots on the common area near Sparkling Water Drive and Fountain Club Drive and behind the Condominium trash corral. These should also be removed. Delphine Matthews is scheduling this task with Gardeners and anticipates completion by September 7.

Delphine Matthews noted RSV Pools was invited to attend the meeting to review 2021 pool season issues but may be unable to attend as senior staff are manning pools at this time. Regarding the two complaints:

- the three individuals with the scooter and cone were not RSV Pools staff and were counseled by a lifeguard albeit with delayed reaction;
- the staff involved with after-hours activities at the pool had been counseled but the behavior repeated. Staffing limitations have impeded disciplinary action to prevent pools from being closed. David Holtzman observed the staff has not used good judgement and this could result in liabilities. Delphine Matthews inquired whether the pool leak impacting the Condominium had resolved? David Holtzman replied that this issue had resolved after the first few weeks of operation.

#### **IV. COMMITTEE REPORTS**

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**A. Architectural Control Committee**

Three applications were reviewed at the August meeting; two were approved and one disapproved. The next meeting is September 15.

**B. Enforcement Committee**

No August meeting was held. No comprehensive inspections were conducted although spot-checking of complaints did occur. Three vehicles were towed.

Regarding the deck appeal, research revealed the 18619 Village Fountain Drive deck cited during the July meeting by the owners of 18625 Village Fountain Drive had been approved in 2013 after that owner obtained approval from the MNCPPC and a permit from Montgomery County. The Board of Directors considered using this precedent to re-evaluate the recent appeal. Discussion revealed that a vote of the Directors would not be able to provide the required two-thirds majority to overturn the previous decision so no action was taken.

**C. Landscape Committee**

Lauren Vaughan will serve as Chair following Lori Summers moving out of the community; Nancy Dofflemyer will remain as Board liaison.

**D. Pool Committee**

This agenda item was covered under Officers Reports. RSV Pools did not attend tonight's meeting.

**V. OLD BUSINESS**

**A. Split Rail Fence Replacement – Little Star Lane**

Delphine Matthews had Gardener's General Contracting evaluate the Lake Geneva Way fence; they reported the issue was not the quality of the wood but how it had been sawn. Gardeners sources their wood from a lumber yard and foresees no such problem with the Little Star Lane fence, if awarded the job. Delphine Matthews continues negotiations with Brightview to remedy the Lake Geneva Way tot lot fence; a site visit is scheduled for next week. Niclom Mahabir observed the rails of this fence were cut too short to be effective once the wood cures.

Two bids have been obtained for replacement of the Little Star Lane fence, from Brightview for \$4,400 and Gardeners for \$3,200.

**Frank Walsh made a motion to approve the Gardeners' estimate of \$3,200 and the motion was seconded by Grant Izmirlian.** Jeff Green noted the location of the Little Star Lane tot lot contained natural green boundaries and is not as exposed to vehicular traffic; the reserve study notes the fence life is exhausted and proposes a replacement cost of \$7,155.

**The vote was called and the motion carried four ayes to one nay (Jeff Green) and two abstentions (Jeff Chai and Nancy Dofflemyer).**

**B. Attorney Engagement**

Delphine Matthews reported attorney John Tsikerdanos' opinion that the revised two agreements afford the Association the same protection regarding maintenance of the stormwater area as the previous single agreement and the community should accept.

**Jeff Chai motioned to direct John Tsikerdanos to proceed with acceptance and finalization of the agreements. David Holtzman seconded the motion which was approved seven to zero to zero.**

**C. Water Quality Assessment Reimbursement**

IKO's accounting department has filed all necessary paperwork to initiate refunds of the 2018 water quality fees. Delphine Matthews will continue to request follow up regarding the reimbursement.

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David Holtzman observed the payments were made without authorization and he holds management responsible; the Board of Directors may choose to require IKO to reimburse the Association. Delphine Matthew will convey this information to upper management.

## **VI. NEW BUSINESS**

### **A. Tree Planting Proposal**

Management, the Landscape Committee and Brightview Landscaping walked the property to develop the tree planting proposal for \$21,000 which the Committee endorses the Board of Directors approve. Frank Walsh noted inconsistencies between the scope of work and the listed trees in quantities and species for various locations; a map would have been helpful. Jeff Green agreed. Clay Vaughan, committee member, had developed a map after the walkthrough and may share with the Board of Directors. Frank Walsh expressed an inclination to not approve the proposal due to lack of clarity. David Holtzman observed the Board of Directors made a commitment to the community to plant trees and the window for the most opportune planting season is rapidly closing. He advocated accepting the tree planting proposal based on timing and the Board's promise to the members. Jeff Green stated the reserve study budgeted \$25,000 for planting for 2021.

**David Holtzman presented a motion to approve \$21,000 to engage Brightview Landscaping to execute the tree plantings for the fall season and to approve \$2,150 to plant shrubs at the Rising Sun Lane island. Nancy Dofflemyer seconded the motion.** Grant Izmirlian and Frank Walsh requested the second proposal be struck from the motion. **David Holtzman made a new motion to accept Brightview Landscaping's \$21,000 tree planting proposal for completion in the fall of 2021. Grant Izmirlian seconded the motion which was approved by six ayes to one nay (Frank Walsh) with zero abstentions.**

### **B. Rising Sun Lane Island Landscaping Proposal**

The Landscape Committee recommends the Board of Directors approve Brightview Landscaping's planting proposal for the Rising Sun Lane island at a cost of \$1,750. Frank Walsh inquired as to the status of the sign which had been removed from this entrance and why it was removed, Finley Asphalt and or IKO Management should pay to replace the sign. Niclom Mahabir agreed the sign was necessary and asked whether management had instructed its removal. Delphine Matthews clarified the sign removal was discussed generally with Jeff Green and Finley Asphalt but no directive had been given and IKO Management is not responsible for its replacement. Management and Finley Asphalt understood this to be a request and Jeff Green understood it to be hypothetical. The reserve study identified this sign and the one on Clopper Road as having zero life remaining; the study valued the signs at \$2,200 each for replacement purposes. Jeff Chai instructed management to obtain replacement proposals.

Frank Walsh asserted Finley Asphalt should pay for the sign replacement on Rising Sun Lane. Grant Izmirlian, Jeff Chai and Nancy Dofflemyer stated an element with zero life remaining cannot carry value and questioned the need for replacement. David Holtzman observed the reserve study provides guidance on the cost of replacing fixed assets but the Association is not required to replace an element if no serious impact would be made on safety or aesthetics. Niclom Mahabir expressed concern that a decision had been made without Board authorization, the Board of Directors should direct the managing agent to carry out their decisions as a team. Nancy

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Dofflemyer stated the removal was the result of a misunderstanding, not any action taken with malice or intent, and may be seen in a positive light: the sign, in need of replacement, had been removed at no expense to the Association. Jeff Chai highlighted the issue now at hand was to determine whether the sign should be replaced and whether the shrubs should be planted.

**Grant Izmirlian presented a motion to approve Brightview Landscaping's \$1,750 proposal for plantings on the Rising Sun Lane island. David Holtzman seconded the motion. The motion was approved five ayes to two nays (Nicolm Mahabir and Frank Walsh) with no abstentions.**

**C. Speed Bumps**

A homeowner requested the Board of Directors install signs or speed bumps for traffic calming along Autumn Mist Drive. Speed bumps cost \$1,250 and speed humps \$1,500. Jeff Chai has observed speeding problems within the neighborhood. Frank Walsh, supported by Jeff Green, suggested the homeowner collect a community consensus. Jeff Chai noted signage may be another option though not as effective. David Holtzman wished to clarify the street is private and funding would be used in the townhome budget; Delphine Matthews confirmed both points. David Holtzman also recommended against installing signage stating a speed limit number as the Association would not enforce this.

Regarding paving, Frank Walsh asked the status of the asphalt work; Delphine Matthews replied the Harmony Woods Lane portion is progressing this week. David Holtzman questioned when the crack fill would be done on Fountain Club Drive; As this proposal was approved after the paving project, it will be scheduled soon.

**D. Kingsview Station Development**

David Holtzman received a development application package from the Kingsview Station developer informing the Condominium of proposed development on vacant land from Clopper Mill to Lehman's Farm and Liberty Mill Road. He will provide copies to Delphine Matthews and Jeff Chai for review and potential Board discussion. A mixed-use community comprising businesses, retail and residential buildings is planned.

**VII. HOMEOWNER FORUM**

**David Holtzman** stated that Condominium owners are not aware of the Master Association meeting schedule and requested management prepare a sign for a bulletin board or stake signs for placement several days prior to the monthly meeting. He hopes to spur interest in participation for succession purposes and to infuse new ideas. Delphine Matthews had been mailing notices of each meeting but ceased this practice, should it be re-instituted? A written notice will be included in the upcoming mailing for the Call for Candidates.

**VIII. ADJOURNMENT**

**Jeff Chai moved to adjourn Board of Directors meeting at 9:17 p.m. The motion was seconded by Grant Izmirlian and carried unanimously, seven to zero to zero.**

**Respectfully Submitted,**

**Marcy Grove**